

## REMARKS

The Office Action dated April 14, 2011, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1-13 are rejected. Claims 1, 4 – 8, and 10 – 15 are amended, and Claims 2 and 3 are cancelled. Claims 14 and 15 are withdrawn from further consideration in this application. Thus, Claims 1 and 4 – 15 are pending in this application. Support for the amendments may be found in the specification as originally filed. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of the rejections.

## Election/Restriction

Applicants confirm the election of Group I, Claims 1 – 13, drawn to an aspirating roller for transferring labels. This Election was made without traverse. However, as set forth below, Claims 1, 14, and 15 as amended are linked by a new common technical feature, i.e., an elastically deformable plate-like element which has connecting portions which are inserted in corresponding openings present on each pad (20, 21). These features are clearly and explicitly indicated in Claim 1, but these features are present also in Claims 14 and 15. The claims do relate to a single general inventive concept and contain the same special technical feature which is not shown in the prior art. Consequently, it is requested that the restriction requirement be withdrawn.

### **Claim Rejections – 35 U.S.C. §112**

Claims 2 – 5 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action states that the phrase “like” renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by “or the like”), thereby rendering the scope of the claims unascertainable.

Claims 2 and 3 are cancelled, and Claims 4, 5, and 13 are amended in a manner believed to be fully responsive to the rejection. Applicants respectfully request withdrawal of the §112 rejection of Claims 2 – 5 and 13.

### **Claim Rejections – 35 U.S.C. §102**

Claims 1 – 4 and 10 – 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Olsen (U.S. Patent No. 4,671,843, hereinafter “Olsen”). Applicants respectfully traverse this rejection.

Present claim 1 is novel with respect to Olsen. Olsen does not disclose at least the following features of amended Claim 1.

In particular Olsen does not disclose at least the following technical features:  
-an elastically deformable lateral surface defined by at least a plate element (6)  
having connecting portions which are inserted into corresponding openings present on  
each pad (20;21).

The above mentioned indications seem to be confirmed by the fact that nowhere in the Office action is it indicated in which part of Olsen said features are explicitly described.

In particular, Olsen discloses a vacuum drum with a resilient cover indicated with the reference number 43. In Olsen, the cover (43) is connected to the remaining portions of the drum using an interposed adhesive (see column 4, lines 14-16 of the U.S. publication) and not using connecting portions inserted into corresponding openings present on each pad. So Olsen does not disclose certain features of Claim 1.

Consequently present Claim 1 is not anticipated and is novel over Olsen.

The Office Action contains no rejection of Claims 5 – 9. However, the Applicants proffer the following comments regarding any possible application of 35 U.S.C. § 103. As noted above, Olsen does not disclose at least the following features:

-an elastically deformable lateral surface defined by at least a plate element (6) having connecting portions which are inserted into corresponding openings present on each pad (20;21).

An elastically deformable plate-like element having connecting portions which are inserted into corresponding openings present on each pad provides a simple removal/mounting of the element. Consequently, it solves a potential problem of replacement of the portion of the lateral surface of the roller between the pads in case of required adjustments or malfunctioning or in case of worn.

In particular, the rapid interchanging of plate-like elements permitted by the invention enables, for example, the plates having different configurations of holes can be interchanged easily and rapidly, so as to permit the control of the suction action.

This enables various vacuum levels to be applied to various locations of the drum surface, corresponding to various operational zones of the labeling process carried out on the drum surface. This, in-turn, enables a previously unobtainable level of variability and control of the suction, whereby the label application process can be accurately matched to the specific surface characteristics of the particular type of bottle to be labeled. Moreover, the resilience of the thus-assembled vacuum drum surface ensures that breakage, even of extremely fragile glass bottles, is avoided.

In Olsen, it is indicated that the element (43) cannot be substituted; so in order to avoid the change of the drum, it is disclosed that only the high spots (61) in the periphery of the drum that can be substituted (see column 5 line 61 to column 6 line 14 of Olsen). However, the high spots (61) of Olsen cannot be confused with the plate of the claimed invention.

Also the claimed solution of the present invention permits to solve also the problem of permitting a releasable connection without reducing the space for the suction holes and without weakening the plate (the connection is realized using connecting portions which are inserted into corresponding openings present on each pad and avoiding the use of bolts which pass through the elastically deformable plate). In this way the label adheres in a better way to the plate.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1 – 4 and 10 – 13 under 35 U.S.C. §102(b) over Olsen.

Consequently, independent Claim 1 is clearly patentable over the prior art. The remaining claims are dependent claims and are accordingly allowable by reason of their dependency. In view of the present amendment, it is now believed that the application is in condition for allowance, which is respectfully requested.

Amended Claims 1, 14, and 15 are linked by a new common technical feature, i.e., an elastically deformable plate-like element which has connecting portions which are inserted in corresponding openings present on each pad (20, 21). These features are clearly and explicitly indicated in Claim 1, but these features are present also in Claims 14 and 15.

In fact in Claim 14 it is disclosed a method for removing an elastically deformable plate like element comprising the step of:

- disengaging first connecting portions (6a, 6b) of the plate like element (6) from corresponding openings (7) present on the removed pad (21);
- disengaging second connecting portions (6c,6d) of the plate like element from corresponding openings (7) present on a second pad (20).

At the same time in Claim 15 it is disclosed a method for mounting an elastically deformable plate like element which comprises the following steps:

- inserting second connecting portions (6c,6d) of the plate like element (6) into corresponding opening (7) present on a second pad (20)...;
- inserting first connecting portions (6a,6b) of the plate like element (6) into corresponding openings (7) present on the removed pad (21).

The problem to be solved by the present invention (by Claims 1, 14, and 15) may be regarded as providing an easy replacement of the portion of the lateral surface of the

roller between the pads in case of required adjustments or malfunctioning or worn. The rapid interchanging of plates (16) can permit for example that plates having different configurations of holes can be interchanged easily and rapidly, in this way the suction applied to the label can be varied and controlled as required. Also the claimed solution permits to solve also the problem of permitting a releasable connection without reducing the space for the suction holes, without weakening the plate and permitting to the label to adhere perfectly to the plate. The above mentioned problems are solved using a plate-like element which has connecting portions which are inserted in corresponding openings present on each pad. These technical features are disclosed in all the independent Claims 1, 14, and 15, so they are linked by common special technical features. Another important problem faced by the present application is permitting the labeling of fragile material and this is solved by the use of an elastically deformable plate-like element (and also this feature is present in Claims 1, 14, and 15).

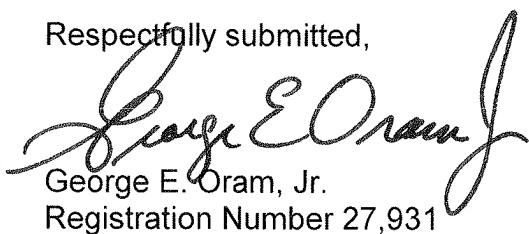
As stated above, there is no longer any basis for the restriction requirement and it is requested that Claims 14 and 15 be rejoined and also allowed.

## Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 024931-00042.

Respectfully submitted,



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